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For the Recorder.

"Public opinion is not an automaton, nor can it create itself. The means that produce and control it, will, under proper influences, be in the hands of the educated men of the country. . . . Public opinion may be, and often is, wrong. The wonder is that it is not often in error. When we believe it has erred, or is likely to err, we should be bold to say so."

Address of D. N. Barringer, esq.

The freedom of speech and of the press is a thing of necessity in order to liberty, as well as a part of liberty. Indeed it may be said to embrace all that is essential in our freedom, under the existing civil constitution. In civil matters, that the will of the people should govern, is a fundamental maxim, which ought not to be disputed. But, what if it be not right? Are we to submit to what is wrong merely because it is popular? If the popular and ruling will be fallible, as it is certainly changeable, evil does not thereby become good, nor is error in sentiment converted into truth. Therefore, it is natural to ask, if the fundamental maxim of the constitution which teaches the supremacy of the popular will, has indeed brought us into subjection to whatever the unruly passions or fallible judgments of the many shall at any time declare and confirm? If this be so, we are left by our brave ancestors under a despotic and arbitrary rule, and it is hard to conceive wherein our freedom is.

But if, on the other hand, being unjust and erroneous, the popular will is to be resisted by private determinations, do we not plunge ourselves into peril and anarchy? Authority is at an end when every man pronounces an opinion on the rectitude of its decisions, and acts accordingly. Still, we must all admit, our governing will—popular will—is almost as variable as are the passions of mankind. To follow its dictates would therefore bring us under a complete despotism. And yet, if otherwise we resist, and ourselves decide on the rectitude of its decrees, we are thrown into anarchy. Therefore the principle of obedience to the popular will, making it law, and the source of law, seems to have placed us in a state of vacillation between anarchy and despotism. Should we submit unconditionally, we submit to one of the most arbitrary and fallible of rules, but if we think and act for ourselves, we appear as if ready for revolution.

It would be so, if it were not for the freedom of speech and of the press. Legitimately every man in America is a speaker, a writer, a teacher, if he chooses to be qualified. Thus he forms, or would form this same governing popular will. Hence it was said that in the afraid freedom, is the essential of liberty. The power to educate, is the only means left in our hands whereby to avoid both despotism and anarchy, to which we are continually exposed if the popular determinations are to govern us. But the principles the people set forth, may be modified by him who may have power and influence equal to the undertaking; if those popular principles be erroneous they may lawfully be rectified; if right they may be strengthened. And this is the true sphere of the exercise of American freedom. This is the door of entrance to our temple of Liberty.

Should we be asked, what is your preservative against political licentiousness? Or if guarded on that hand, what will keep the nation from despotism, and the weakest and most arbitrary of courses? The power to educate, is our answer. The ability to form popular opinion by legitimate means, is the essential point of our freedom. As a people we are free, only because public opinion being our rule of action, it may be formed according to righteousness and truth.

While therefore all declare themselves independent and free, but few are really so. For he who wants the ability by legitimate and proper means, to modify and control, and if wrong, to change popular sentiment, must submit to its unjust decrees; he therefore is not free. Now it is the business of education, by giving the ability to form and direct public sentiment, to make us also capable, as individuals, of freedom. For as necessary as it is, this ability is not a common qualification. It belongs to none by mere nature. The educated, themselves, are those who possess it, and no others. I use the term education, in its

widest and truest sense, as that which not only gives knowledge of truth, but habits of virtue, and disposes to whatever is right in conduct. The men of virtue and knowledge and sound judgment are the educated, and therefore independent citizens. They only are capable of forming and directing public opinion; therefore they alone are truly free; and the state itself is free only while these, by influencing popular sentiment, govern it.

He who knows how to apply the wisdom of the past to present emergencies, who to a good conscience joins the power to think judiciously and therefore to act with discretion and firmness, is alone truly independent. He is to think deeply, though the many are superficial; and soundly, though the multitude should be in error; and to judge with calmness, and to act steadily, while the many are passionate and changeable. He is to look into the causes of things, to point out concealed danger, and tell his countrymen the risks of liberty. He should have resources for every crisis in affairs, and be able to distribute just censures, as well as merited favors. Such a man is even more than a mere freeman: he is the proper, though unacknowledged ruler of his nation. He forms the sentiments of the people, and thus directs their choice.

Now this being the part and character of the educated citizen, it shows, if we mistake not, what is a good education. In sum, it is such an one as gives to the possessor influence. He who has no literary culture, is not of necessity bound by the popular determinations and fancies; nor is he of consequence freed from them who is learned.

For whoever is under the control of his own passions, is not free, but is under a two-fold tyranny. His incapacity to govern himself, makes him of course the helpless prey of external tyranny. He, being the subject to passions within, is therefore subject also to popular determinations, arising from mere ignorance or passion, but which he cannot control. Among us, as every where else, then, He is the freeman whom the truth makes free. And all are slaves besides."

That education is defective, in the nature of things, for freedom, which consists only in intellectual culture. But the unlearned even, who is delivered from the dominion of his propensities to vice, by whatsoever culture, is free indeed, and may well and safely be content. He has a discernment that is not easily deceived. He will not, by popular show, be often led to countenance what is wrong, nor to believe what is false. The mind conscious to itself of rectitude, brings internal peace amidst external disorders and changes, and secures a repose for the spirit that no storms can disturb. The example of the life of a good man will also surely form those about him to the likeness of his own virtue and rectitude. He will not only deliver himself from the tyranny of fallible popular opinion, but will keep others free by the influence of his conscientiousness. For goodness with sound judgment, generally drives correctly as to truth, and acts discreetly as to duty. But bad sentiments and conduct overthrow the moral influence of even the most learned. With all possible mental requirements, known errors of life will greatly abridge, if not wholly destroy, the ability to create or to direct popular sentiment. Therefore it is essential in the very nature of things, that he who would be educated for freedom, should be truly virtuous and good, as well as learned. Whatever then forms a man to goodness of heart and correctness of life, is a very essential part of the means of education in order to liberty.

It is therefore humbly submitted to consideration, whether the present plans of general education are not inherently defective. It is believed that the benefit they do confer, is almost neutralized by the want of what they omit to give. Of what value is a little learning? On the current of untempered passions, the individual is hurried away, and is lost to himself, to his country, and happiness, and his intellectual furniture avail to prevent his disgrace, no more than the reed to stop the full tide of a swollen river. He who is intellectually trained, has but a

single qualification for liberty and influence; and it is usually ineffective without the better element of power, a disciplined heart and good life.

The capacity to direct and incline men morally, being the thing to be imparted by an education for freedom, it gives us the clue to know what is a good and sufficient education. We are considering education simply as related to liberty. It is shown that the popular system is inadequate even to this end. It is the good man, though not learned, who makes his opinion the sentiment, and his will the law of a neighborhood. Through the medium of the conscience, goodness alone makes its way to the heart, and without exerting to that end, always men toward rectitude and truth.

Therefore, in educating the young for freedom, if you would of necessity form those who shall be able to modify the popular opinion, it is well that you neglect the right culture of the heart? Would you overlook the wonderful influence which a good man yields by the weight of his character? As to liberty, he must surely be less than half educated, whose heart has been neglected. And the American citizen is already in bondage, whose will is not governed by the law of virtue.

II.

From the St. Louis Bulletin.

Col. Croghan and Gen. Harrison.

For several months past the Loco Foco journals, without any authority, have disinterestedly given to the public certain letters—private letters—written by Col. Croghan relative to a difference of opinion between this gallant soldier and General Harrison, accompanied with lengthy and decisives comments, purposed to give an impression that the skill, bravery and generalship which has been awarded to General Harrison, was questioned, if not denied, by Col. Croghan. Like all their efforts to pluck from an honored brow brilliant laurels, and to defame and blast the reputation of an injured and abused soldier and patriot, this last invented scheme of base rascals, falls harmless at his feet, and places him still higher in the estimation of every fair minded and honorable man. It will be seen that, although Col. Croghan stands neutral in relation to the political claims of both Martin Van Buren and General Harrison, his feelings of honor and of justice prompt him to defend a brother soldier from the foul attacks of interested political slanders, who attempt to detract merit by impugning the motives and distorting the language of a disinterested individual. It will be seen that Colonel Croghan refers to General Gaines, with whom he held conversations years ago, relating to Gen. Harrison's skill and bravery, and the subjoined letter to Gen. G. giving the sentiments and opinions which Col. C. then entertained in relation to Gen. Harrison, places the whole matter in that light which is most gratifying to the friends of Gen. H. Colonel Croghan, disinterested as he is in a political point of view, shows, by the course adopted, that nothing which has lately transpired has influenced him in the opinions now expressed and entertained, but that his opinions and feelings are the same as formerly in reference to Gen. H. We now demand of those editors who have published the private letters of Col. Croghan, as a duty they owe to him and to General Harrison, to publish the following correspondence.

CORRESPONDENCE.

Saint Louis, Sept. 26th, 1840.

Dear Colonel:—I am well aware that you take no part in the political warfare of the times, and it is from no desire to draw you from your neutrality that I now address you.

During the last two years I have had the pleasure frequently to meet you; and have never yet heard you declare yourself for either of the Presidential candidates; nor before the people, and I have but to wish to see you commit yourself upon this subject. I believe, sir, that your relations with Gen. Harrison as well as with Mr. Van Buren are of the most friendly character, and that you regard them both with feelings of friendship. Whilst you disparage neither, I have heard you speak of both in terms of praise, and I feel satisfied that you will answer the questions I ask you in the candor and sincerity of a soldier.

Some letters of yours have been recently published during your absence from Washington, and many have endeavored to produce the impression that you have authorized their publication, and have thrown your influence against General Harrison. I do not believe that this is but would like to learn from yourself whether the publication of these letters was authorized by you.

At Tippecanoe you were one of the aids of Gen. Boyd, and performed glorious part in that, as well as in other hard

fought battles, which have added to the fame and honor of our country. I should be pleased to know if on that occasion, or at any time during the war, Gen. Harrison showed any want of bravery; and further, if no ground selected for the encampment of his troops at Tippecanoe was injudiciously or improperly chosen.

During the war, sir, you performed a most distinguished part, and your name will always be associated with its most brilliant achievements, as long as there is left the American heart to admire your gallant and glorious defense of Sandusky. You had as good an opportunity to form a correct opinion of the courage and conduct of Gen. Harrison, as any other officer, and that of your officers and men, that you were permitted to continue the conflict alone. Major Wood and myself sustained you in this impression. You were both of the opinion that a movement on the part of the Generals, with the un instructed troops, such as most of those with him at the time were known to be, might put it in the power of Tecumseh, and his army of savages—reported to be upwards of three thousand—to cripple, and possibly over-power the troops at Camp Seneca, if not in the intervening thick woodlands. In this event, the frontier for many hundreds of miles, would have been laid open to savage depredation—which could not have been checked before the arrival of the chivalry of Kentucky under Governor Shelby. That gallant army did not arrive until the middle of September, 1813.

The loss of the nucleus of Harrison's army at Camp Seneca, at any time before the arrival of Governor Shelby, might have protracted our operations upon that frontier, until the following year, when we might have found such reinforcements on the part of England as to have rendered it impracticable for us to profit by Perry's brilliant victory on Lake Erie. You have repeatedly assured me that the correspondence between General Harrison and yourself was not intended by you for publication, and that you had shown it only to such persons as you considered to be the mutual friends of both General Harrison and yourself, and that you believed the General's apparent neglect to do you and your officers and men that justice which you deemed yourself and them entitled to, was not the result of any design on his part to injure you or them.

G. CROGHAN.

St. Louis, Oct. 6, 1840.

Dear Colonel:—At your request I state to you the substance of our several conversations touching your opinion of General Harrison, and your unhappy difference with that distinguished officer.

The first conversation which took place between us was at Fort Stevenson, where you commanded in the early part of September, 1813, when Major Wood and myself were on our way to reconnoitre the Sandusky Bay, and to have a conference with Commodore Perry, on the subject of our joint operations against the enemy. That conversation is perhaps the best recollection, inasmuch as it has often been referred to in our subsequent conversations since the war; and from the fact that you did me the compliment to say that you made a memorandum of the principle upon which I had acted in respect to a meeting of the field officers, with Brig. Gen. Cass, which took place soon after my arrival at Fort Meigs, Major Wood and yourself concurred in the opinion that General Harrison's plan of operations at Tippecanoe, the selection of the place of encampment; that the formation of the different corps of his army in the encampment was made with a view to hold every officer and every man ready for action upon the ground where they slept. That Gen. Harrison's vigilance had previously been the subject of remark and admiration among the troops, and it was that night increased. That you had several opportunities of seeing him in the forepart of the night, and at or near the time the battle commenced. That you saw him frequently in the course of the battle, and heard him giving his orders, and with great distinctness animating his troops—and that no man could have been more collected or fearless in battle than Harrison was upon that occasion.

In speaking of the battle of Fort Meigs, Major Wood and yourself concurred in the opinion that General Harrison's plan of defence was unexceptionable, and that the victory of that place was far more important in its immediate results and ultimate consequence than had been conceded, even by many of the friends of the General; that a shade had been cast over that victory, by the untoward disaster of the loss of Col. Dudley and his regiment; who, after defeating the British on the left bank of the river, were led into an ambuscade of Tecumseh's Indians, where they were cut off in an attempt to do more than they had been ordered to do. It was not possible, as Wood and yourself believed, for the General to restrain or save them, occupied as he was on the right bank of the river, in the hottest of the battle, near a mile from the point where the ambuscade was formed on the left. You both assured me that the movement of Col. Dudley and his regiment was contrary to the orders of the General, who had no means of correcting the fatal error into which the impetuosity of this fine corps of brave Kentucky volunteers had led them.

In respect to Fort Stevenson, you and Major Wood—then whom I have never known a more gallant, nor a more promising officer, and who afterwards repeatedly covered himself with imperishable fame in battle under my command at Fort Erie,—concurred fully in the opinion that it would, or might have been, attended with fatal consequences to the North-western frontier for General Harrison to have broken up the nucleus of

the army, then assembling at Camp Seneca, and marched to your assistance at Fort Stevenson. His general and field officers were reported to have expressed the same opinion in a council of war at the time of attack. You expressed them, and subsequently, your satisfaction, and that of your officers and men, that you were permitted to continue the conflict alone. Major Wood and myself

obliquely, and within ten or fifteen yards, approached the Indians posted in a heavy line, us, killing ten or fifteen of our men, several horses, and wounding Col. Johnson very severely. He immediately retired. Dr. Theobald, of Lexington, (I think,) aided him off. I neither saw nor heard more of Col. Johnson until after the action was over. The contest continued warm and animated for some time where my company and part of Capt. Stuck's were engaged. After Colonel Johnson was taken off the field, I saw Gen. Harrison and Gov. Shelby, both, and quite near me. They were both on horseback, passing in the direction of the encampment, or angel. I well remember the animating and encouraging manner in which Harrison, as he passed, addressed his men. It had a sensible effect upon myself, and seemed not only to stimulate my spirits, but strengthen my body, (then weakened by loss of blood.)

"Fellow soldiers," shouted the intrepid hero, in tones that stirred the souls of his kindred spirits, "keep close and shoot sure; the day will be ours in a few minutes." He rode on; I was engaged, and saw no more of him. Immediately upon his leaving us, going in the direction of the angle, a desperate and severe struggle commenced at or near that point, between the Infantry under Gov. Shelby and the Indians. This conflict at the angle, with Shelby's men, lasted, I think, at least five minutes. Several of the Infantry were killed. Governor Shelby himself told me he had several men killed, and had found eight or ten Indiana left dead on the ground at that point. This was the last severe contest during the action.

I have seen with surprise, copied into a pamphlet recently written and published by Col. Daniel Garrard, of Clay County, a letter purporting to have been written by colonel Johnson, dated Dec. 22, 1813, in which is the following statement:

"I crossed the swamp with the second battalion (500 men) and fought against the Indians (supposed 1400 warriors, under Tecumseh) without any aid whatever."

This statement, you will observe, is not warranted by the facts I have detailed. The writer (if indeed the alleged author was the writer, which I doubt,) certainly labors under a misapprehension which can only be accounted for by the fact that Col. Johnson was badly wounded at the first onset, and was immediately taken off the field, and could not have personally known of the important services rendered by the infantry under Harrison and Shelby.

I must claim, however, for the second battalion of the mounted regiment, the honor of having contributed more than any other corps, in achieving the victory. But it gives me pleasure to say, that every officer and soldier did his duty on that day, so far as I know or believe. You will therefore be able to judge, from the facts here stated from my own personal knowledge, whether Gen. Harrison was present in the action, doing his duty as an officer, and whether any part of the infantry was engaged. I had supposed that facts so well known by all who were there, would at this day, be questioned by none.

In conclusion, as it regards the standing of Gen. Harrison as an officer, and the estimation in which he was held by the army, I am, from my intercourse with his officers and soldiers subsequent to the battle, enabled to adopt the language of a distinguished officer of Perry's fleet— "There never was an army more ardently attached or more enthusiastically proud of a General, than this."

Yours with great respect,
EDMUND P. GAINES.
Col. George Croghan.

From the Kentucky Commonwealth.

Gen. Harrison—Battle of the Thames.

Frankfort, Sept. 5, 1840.

Dear Sir: As you were in the battle of the Thames, commanding a company of Col. Johnson's Regiment on that occasion, and now bear upon your body the evidence that you were in the thickest of the fight, I desire that you will favor me with an answer to the following questions:

1st. Did you see Gen. Harrison while the battle raged, and after Col. Johnson had been wounded and taken off the ground, and hear him encouraging and animating his men?

2d. Was any part of the Infantry under Col. Johnson engaged in the action?

Yours, etc.,
C. A. WICKLIFFE.
Col. J. Davidson.

Frankfort, Sept. 7, 1840.

Dear Sir: I am in receipt of your letter of the 5th inst. in which after referring to the part I bore in the battle of the Thames, October 5, 1814, you propose to me two questions in reference to the conduct of Gen. Harrison on that occasion. You ask me:

1st. "Did you see Gen. Harrison while the battle raged, and after Col. Johnson had been wounded and taken off the ground, and hear him encouraging and animating his men?"

2d. "Was any part of the Infantry under Col. Johnson engaged in the action?"

My answer to your plain statement will be better understood by a plain statement of the facts which occurred upon the ground, so far as I witnessed them.

I was at the head or right of my company, on horseback, waiting orders, at about fifty or sixty yards from the line of the enemy. Col. Johnson rode up and explained to me the mode of attack and said, in substance, "Capt. Davidson, I am directed by General Harrison, to charge, and break through the Indian line, and form in the rear. My brother James will charge, in like manner, through the British line at the same time. The sound of the trumpet will be the signal for the charge." In a few minutes the trumpet sounded, and the word "charge" was given by Col. Johnson. The Colonel charged within a few paces of me. We struck the Indian line

From the Raleigh Register.

VAN BUREN'S FRIENDS LEAVING HIM.

Amongst others, Gen. John P. Van Ness, of Washington City, President of the Bank of the Metropolis, and one of the most wealthy citizens in the District of Columbia, and who was one of the most conspicuous supporters of Gen.

Jackson's Administration, and a friend to the election of Mr. Van Buren, has lately, in a letter, in answer to an invitation to a Whig meeting of the citizens of the District, cordially united in opinion with the Whigs in the necessity of ejecting Van Buren from the Presidency. The General states that he supported the Administrations of Jefferson, Madison, Monroe and Jackson, and continued to go with Van Buren, until he undertook measures which no other President, Gold Washington's time to the present, ever have sanctioned. The severances under rates some of the less at present suffering, which the present and want of a sound *Free*, which has produced a general fall in the price of property, proves, he says, that something is amiss in the ruling political power. In every well regulated society, all trades and occupations are made to harmonize for the public good; the interest of each is identified; and every attempt to excite the jealousy of one class against another, is to be ascribed to motives of selfish ambition. It is the duty of rulers to cherish harmony, and thus promote the prosperity and happiness of the country; and whenever the head of a government takes a contrary course, he ought at once to be removed.

Contrast, says the General, the situation and progress of every branch of business in the country, while the currency and credit of our happy community was undisturbed. Then, genius and enterprise were not prevented from inventing and consummating the noblest works of man; abundance of employment in all its variety; comfort and prosperity where flowed into the lap of industry; property of every kind found its value; public and private virtue presided over a contented people, and the true glory of a happy land blazed forth as a guiding light to an admiring world. But because, every now and then a failure of a Bank or a mercantile concern, was heard of, and some persons suffered from the villainy of others—all must therefore be swept by the board, and a new system be organized. But whoever saw a state of society without occasional evils of this kind? They are a necessary part of every civilized society, which it is the province of law to check and restrain.

The General observes, that it is truly said, that "vigilance is the price of liberty," and then enumerates some of the instances of the gross mismanagement of the present Administration, commencing with the Florida war, which is a subject of painful consideration to every friend of humanity. Besides the many millions spent in this terrible contest with a few struggling savages, the blood of our population as well as that of our army, has been profusely shed, and the destitute surviving inhabitants are flying in terror and despair, and the merciless Indians are invading the neighboring states. It is an inglorious war, of which we can see no end.

He next refers to the vexed question of the North Eastern boundary, which has been greatly neglected and may ultimately be attended with serious consequences, if the adjustment be farther delayed. The New Jersey case he represents as violating a great principle on the threshold, and as conducted with a violence destructive of the calm and lofty dignity of legislative proceedings. The contemptuous neglect and rejection by Congress of all legislative business in relation to the District of Columbia, was, he says, as disgraceful as it was unjust to the citizens; and, of the total inattention of Congress to the numerous and pressing private claims upon the Government, he speaks of as unparable. The General also charges Congress with phlegmatic neglect of the noble Smithsonian Legacy, \$500,000 of which have been long ago received by the Government, and yet no effective measure has been taken to carry the will of the donor into effect.

And the General asks, is not the Administration responsible for all this misconduct? Doubtless it is. It had majorities in both houses of Congress, who proved their devotion by a prompt execution of every favorite project presented by the Executive. Let it, then, not be said (for it is a pitiful evasion) "the faults lie with Congress, the President can do nothing." Is it possible the people can be tricked with such idle mockery? The President, we all know, "recommends strongly for consideration." If the President had chosen to urge Congress on these topics, with but a tittle of the zeal which he employed in the case of the sub Treasury, or his war on the Credit system, he would not have failed to effect his object.

The General concludes his list of abuses, by mentioning the provision of an act of last session, which gives the President the arbitrary power of dispensing, at his discretion, with the application of certain appropriations made by Congress, for different objects, and to apply the money to such other objects as he may judge proper.

Upon the whole, he states the rigorous condition of our public affairs to be such as was never before witnessed, and pronounced, as he believes, by deleterious measures passed on the legislature by sophistry, and a determined systematic warfare against the general administration of the country, sustained by doctrines and arguments hostile to their dependency to the most important interests of the nation, which abundantly prove that a change of our political rulers is absolutely necessary. The General then declares himself fully convinced that all our grievances will be redressed and effectually removed, by the election of Gen. Harrison and John Tyler to the Presidency

and Vice Presidency, of whom he speaks in the highest terms, from his own knowledge.

From the Richmond Whig
To the People of the United States

I take the liberty to address myself to you, the citizens of every state in your great country, because the subject which I am about to treat, is one which has caused a deep sensation through the land, and is of the utmost importance to be fully and fairly understood, in order that impartial justice may be done to Mr. Van Buren, on the one hand, and that you should be enabled to act understandingly, on the other—nor, with as deep seated and unmitigated opposition to the measures of Mr. Van Buren's administration, and to the means by which he acquired, and now proposes to perpetuate his power, as any man can entertain. I design to do him the most ample justice, which, in my judgment, is the best means of ensuring his overthrow.

The circumstances connected with the trial of Lieut. Hove, have excited so deep an interest in the public mind as to engage the time and the exertions of the press and public speakers, from one extremity of the country to the other—party laboring to defend, and the other to condemn, the sanction given by the President to the reception of negro testimony. The subject has been one of much discussion, in various forms, as it has become somewhat hackneyed and stale; and, nevertheless, its interest seems not to have abated—at all events, the efforts of the friends of the President to excuse his conduct, seem to have increased as the time approaches when the people will be called on to pass their sentence of approval or condemnation; and to this end, we have seen the most shameless misrepresentations, the most unfounded assertions, and the most untenable deductions presented to the public view, that ever were presented to an intelligent people.

I do not propose to go into a lengthy and tedious reply to all that has been urged by those who are hired for the purpose of preparing defences for the President; but some facts of an interesting character have recently come to my knowledge, which I deem it my duty to lay before the public.

Some body has had the kindness to send me, in pamphlet form, one of a series of letters that have been addressed to me by the late Postmaster General and present Editor of the Extra Globe, which is the first I have read since I left Washington, though I think about the tenth that has been published, which is headed "Case of Lieut. Hove—a noble instance of Whig honesty," and addressed to the "Hon. John M. Botts," in which Mr. Amos undertakes to give a true history of the whole affair; and as a fair specimen of the character of the production, I give one extract, which will be found to be a common instance of *Loco Foco* dishonesty, misrepresentation and falsehood—as willful, deliberate and premeditated falsehood, as ever uttered by a designing and deceitful knave. He says:

"You know, sir, when you made the charge, that the President was at the time totally ignorant of the admission of these witnesses."

And this is said in the face of the published proceedings of the court, the original manuscript copy of which had been in my possession, and was returned to the Department on the day preceding the introduction of the subject to Congress, by which it appears that the attention of the President was emphatically and distinctly called to the fact, and his interference solicited, on the ground that negro testimony had been received by the Court—in the face of the impotent defense set up by the President for the recognition of such testimony as admissible—in the face of the written opinion of the District Attorney and the Attorney General, attempting to sustain that decision of the President—and in the face of what that truth-loving and truth-telling corruptor of public and private morality knew to be the fact of the case; and this creature, who thus undertakes, as a Government spy, to falsify records, to pervert facts, to blot out truth, defame the characters of all honorable men, and to teach political wisdom and honesty to the people, again indulges in the round assertion that it has been the usage of the Government to receive such testimony from the time of the Declaration of Independence!

The same assertion has been made by the President, in substance, repeated by the Secretary of the Navy, reiterated by the Attorneys and all the newspapers of the day in the employment of Government, and public speakers who are now and hope to be in its employment hereafter.

They have the records before them, the President, the Secretary, Editors and all, have been challenged and defied to show, from the records, that such has been the usage. It has been denied over and over again, and I beg leave to ask, once more, why do they withhold the evidence that would exculpate the President from all blame, with all their exertions to exonerate him from what they feel to be a most perplexing difficulty, and rely upon broad, unrestrained and unfounded assertion?

Why, every man of common intelligence who is not blinded and besotted by party attachment and political prejudices, must answer: it is because they have no such proof to offer. It is false, and if it were not false, they would produce the records to sustain their asser-

tions, and relieve themselves, if all events, suspicion, and what most otherwise result in conviction of falsehood.

Now I challenge a denial of the following facts from any man who does not stand already convicted before the country of uttering and publishing what he knew at the time to be an unblushing falsehood; for such a man is very capable of doing the same thing again, and therefore no confidence is to be reposed in his statements:

1st. That the records of the Department have been searched in order to find the cases that would sustain the practice as alleged; that in the Navy Department, the only case that has been found, was that of Midshipman Green, who was tried in Philadelphia about the year 1827, in which David Tracy (a negro) appeared as a witness; which case was approved by Mr. J. Q. Adams, who is charged by the whole Administration party to be an Abolitionist; that the trial was held in a state where such testimony would have been received in the common law courts of the state; but no appeal was made, and no interference solicited; that when Gen. Jackson came into office, on a representation of the facts being made to him, he nominated Mr. Green to the United States Senate, as 2nd Lieut. of Marines. The General Hayne of South Carolina, as Chairman of the Committee of Naval Affairs, resisted the nomination on the ground that he had been cashiered; and that on a representation of the fact that negro testimony had been received against him on his trial, Gen. Hayne withdrew his objection, and the nomination was unanimously sustained by the Senate.

2dly. That in the War Department, the only case that has been found was that of Cadet Drake, which case so far from being presented by the officers of government as a precedent which would justify the course of the President, it has been carefully withheld from the public view, and when demanded by the Hon. Wm. D. Merrick, a senator from Maryland, and the Hon. Edward Stanly, a representative from North Carolina, in the name of four hundred and fifty thousand people whose representatives they were, that the secretary peremptorily, and in violation of all right and propriety, refused to exhibit the public records of the country, which are subject to the examination of the humblest citizen in the community.

See the following letter from Merrick and Stanly:

Washington, Sept. 30, 1840

We went this morning together to the War Department, waited on the Secretary of War, and requested him to let us see the papers in the case of Mr. Drake, which Mr. Stanly had asked for yesterday, when the chief clerk declined exhibiting them without permission from the Secretary.

The Secretary of War (Mr. Poindexter) replied that he could not grant us it was against a rule of the Department to show such papers, or to give copies, unless the person interested desired to have them, or unless either House of Congress or any of its committees, gave copies. The Secretary remarked that great injustice might be done if this rule was not adopted; that the characters of innocent persons might suffer by allowing extracts to be taken from papers of Courts Martial. The Secretary was then told that, for our present purpose, we waived the demand to inspect the proceedings of the Court; that neither of us desired to know any thing relating to the charges against Mr. Drake, we only desired to see what was done by the then Secretary of War, (Major Eaton,) as we understood, relative to the legality of some of the testimony taken upon that trial. Mr. Poindexter replied, he could not allow us to see this.

The Secretary was then asked if he felt at liberty to state whether the evidence of a negro, hearsay or otherwise, was not taken in the case of Mr. Drake, and whether the Secretary of War at the time had not reversed the proceeding on account of said negro testimony. The Secretary (Mr. Poindexter) replied, he could not answer that question because he might as well exhibit the papers as state their contents.

We then said, we hold it to be the undoubted right of the People, or at least of their Representatives, to inspect the proceedings of their functionaries, and we therefore demand to see the opinion of the secretary of war in this case.

The secretary repeated that he could not comply with this demand.

This is the substance of what passed during the interview.

W. M. D. MERRICK, of Maryland.

EDWARD STANLY, of N. Carolina.

The reason for withholding from the gentlemen, in utter disregard of the duty of the Secretary, the rights of the people and the usage of the department, the information they sought to obtain, may be gathered from the following, which is a copy of a letter from Major John H. Eaton, formerly Secretary of War, and who acted in that capacity at the time of the trial of Cadet Drake, and who set aside the decision of the Court, expressly on the ground that negro testimony was inadmissible, although the offence was committed, and the trial held at West Point, in the state of New York, where in the common law courts, such evidence might have been received.

Washington City, 2d Sept. 1840
Dear Sir: I reply to you hastily—the case to which you refer I well recollect, and the following are the circumstances: Some person, Mr. Drake perhaps, was brought before a Court Martial at West Point, of which Major Hitchcock was Judge Advocate; the record showed that

some free negro had been treated ill—sensible of the practised error, the negro might have been hired to depart. He was absent at the trial, when the Court determined that his statements at the time should be received as evidence, and it was received, and the party was dismissed; and Mr. Crittenden's son, from Kentucky, was also dismissed for contumacy, because he would not reveal the confidential conversation of his room mate.

I reversed the decision of the Court, on the ground, 1st. That negro testimony could not be received, and more especially in the case before me for consideration, where it was mere hearsay testimony. Mr. Crittenden I also reinstated, because I held his conduct in not revealing the secrets of his associates at the college, highly commendable and proper, and so declared in my reversal of the proceedings.

If you have any object for making of me the inquiry, I beg you to ask the Secretary of War for a copy of my decision. He can have no objection to afford it, and I am quite confident it will sustain what I state to you.

Your friend,

J. H. EATON.

Here, then, is a solution of the mystery hanging over Cadet Drake's case; and in the letter is to be found the reason for the rule said to have been adopted by the Department, when they refused to exhibit the papers to Messrs. Merritt and Stanly. If there was such a rule, it does not appear to have been the practice formerly, as Major Eaton, who had occupied the situation for many years, would not thus have requested his friend to call on the Secretary of War for a copy of his decision, which he states he could have no objection to afford.

What man after this, either through the public prints or in the presence of the people, will pay so little regard to candor and truth, as to undertake to justify the President on the ground of practice and usage—when the only case that has been found in one Department was immediately condemned and redressed by Gen. Jackson and the Senate of the United States, and the only case found in the other was promptly set aside by the secretary of War, whose authority is given above, and the present secretary himself now refuses to publish or exhibit, or make any statement of the case to the Representatives of the people who have demanded it.

Let us go one step further, and ascertain if the position I have heretofore taken in regard to the legal question of competency, was correct or otherwise. Mr. President, Mr. Attorney General, Mr. District Attorney, Mr. Kendall, Mr. Blair, Mr. Ritchie, and the numerous host of public writers and speakers all say—The law regulating Courts Martial "don't prohibit the reception of such testimony, and, therefore, the President had no right to interfere." I have taken the ground which has been harshly assailed, that although that law was silent on the subject, yet there was a law, to wit: the Judiciary act of 1789, which settled the principle that ought to have been applied in this case; and that was, that the laws of the several states, except where the Constitution, laws, or treaties of the U. States shall otherwise require or provide, shall be regarded as rules of decision in trials at common law, in Courts of the United States, in cases where they apply.

Now, in order to sustain this opinion, let me advert to an official opinion given by the Hon. John McPherson Berrien, then Attorney General of the United States, (which will be found on record in the Navy Department,) to the secretary of the Navy in the year 1830, which fully establishes the position I have assumed, and I will then leave the world to decide which is most to be relied on, upon a legal question, the former Attorney General or the gentleman who now occupies his place.

Office of the Atty. Gen'l U. S. 4th June, 1830

Sir—In answer to your inquiry whether it would be competent for an officer of the Navy under arrest and the Department, to dispense with the attendance of witnesses, and by common consent to take depositions to be used on the trial, to be objected to by the officer preferring the charges, I have to state, that in my opinion, such depositions would not be competent evidence.

The 37th article of the Rules for the government of the Navy, and the 4th article of the rules and articles for the government of the Army, seem to contemplate, exclusively, the examination of witnesses before the Court. The 3th article of the latter code, by providing under certain restrictions and in case of capital, that depositions may be taken, negatives their allowance in other cases, and the existence of the provision sufficiently proves that without it, such testimony would not be competent even in these minor cases. English writers on the subject insist upon the propriety, in all trials before Military and Naval Courts Martial, of adhering to the rules of evidence established in the common law courts of criminal jurisdiction, and the world would not authorize the course proposed in the case under consideration.

Im respectfully, your obt. servt., JNO. MACPHERSON BERRIEN, The Secretary of the Navy.

Sir, according to the opinion of Mr. Berrien, even in the absence of the law '80, which I have quoted above, and according to the English writers on the subject, Mr. Van Buren could, if he had so much solicitude upon the subject of southern feelings and northern principles as he professed, have applied that in or principle as established by law to the regulation of all the common

Tendering my fervent wishes that the Convention at Raleigh may realize all the hopes of its friends, and my thanks for your friendly consideration of me, I am, gentleman, faithful, your obedient servant,

H. CLAY.

PRESIDENTIAL ELECTIONS.

There are no more state elections to be held until the choice of Presidential Electors. The following schedule shows the date of the Presidential election in the different states, with the number of Electors to which each state is entitled:

State.	Date of Election.	No. of Electors.
Pennsylvania	Oct. 30	30
Ohio	Oct. 30	31
Connecticut	Nov. 3	9
Maine	Nov. 3	10
New Hampshire	Nov. 3	7
Virginia	Nov. 3	52
Missouri	Nov. 3	4
Illinois	Nov. 3	6
Arkansas	Nov. 3	3
Georgia	Nov. 3	11
Indiana	Nov. 3	9
Kentucky	Nov. 3	15
Michigan	Nov. 3 and 5	5
New York	Nov. 3, 5, and 4	42
Louisiana	Nov. 3	5
Tennessee	Nov. 3	15
New Jersey	Nov. 3 and 4	8
Mississippi	Nov. 3 and 4	4
Massachusetts	Nov. 3	14
Alabama	Nov. 3	7
Vermont	Nov. 10	7
Delaware	Nov. 12	3
North Carolina	Nov. 15	15
Rhode Island	Nov. 15	4
S. Carolina, after 25d, by Legislature.	Nov. 15	11
	Total.	294

Equal to the number of Senators and Representatives in Congress to which the several states are entitled. All are elected by general ticket except the eleven in South Carolina.

In New York city, Brooklyn, and Williamsburg the election commences and ends on the 4th. In the rest of the state it commences on the 2d and continues three days.

In New York, Massachusetts, Delaware, and Mississippi, the state elections are held simultaneously with those for Presidential Electors.

Journal of Commerce.

Is it not so?—A good natured Whig friend chided me warmly, a few days ago, for suspending the *Spectator* a week, during our late absence. "And so near the election, too!"—added he, in a most reprobating manner. We laughingly told him, in reply, that he set a far higher value on the Spec, than we did, and that the total cessation of it, ay, and of a thousand like it, would not after the result of the coming election's *hairbreadth*. "For," added we, more seriously, "the day on which the burden of keeping the Whig party *up to the rack*" was principally borne by newspaper editors, has happily passed away. The PEOPLE have relieved them from that duty; they themselves have taken the affairs of the country in hand, and as organs of their will and of their voice, the political newspapers of the Whig party, might well be in *Timbuctoo*.—This convincing fact sent our grumbling friend off at once, very well satisfied that the management of Whig affairs is not now confined to printing offices alone, and depends but little on editors and printers. We may lose a subscriber by our candor, but a *Newbern Spectator*.

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H. CLAY.

LECTIONS.
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No. of Electors.

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GOODS! GOODS! GOODS! NEW AND CHEAP!!

JAMES WEBB, Jr. & Co.
WOULD respectfully inform their friends and customers that they are receiving and opening.

A LARGE & GENERAL ASSORTMENT OF GOODS,

suitable for the season, which they now offer for sale, on their usual accommodating terms, consisting in part of

Black, Blue, Invisible Green, CLOTHES.
Drab, Mixed, Black, Drab, and CASSIMERES.
Fashionable, SATINET, assorted colors and qualities.

Satin, Silk, and Fashionable Winter, VESTINGS.

French, German, and MERINOES.

English, Plain, Figured, MOUSSELINE DE LANE.

Black, and Black & Lead. Plaid, Scarfs and Handkerchiefs, and plaid and striped Bonnet Ribbons, Flannels, Blankets, plaid Linsey, brown and bleached Domestic, Boys' and Men's Caps, Hardware, Cutlery, Crockery, Tin Ware, Boots, Shoes, &c. &c.

October 14. 43—

List of Letters,

Remaining in the Post Office at Hillsborough, N. C. on the 1st day of October, 1840, which if not taken out within three months, will be sent to the General Post Office as dead letters.

William Johnston

C. T. D. C. Anderson K William Kirkland

John Anderson L James Long

Mariah Ann Allen Col. Wm. L. Long

Boiling Adcock M John Leathers

B James P. Brown B A W. Mahone

Robert Brown Fred Moise

John Birrow Hamilton Montgomery

William Bowles Miss Ann McEasell

Mark Barber Ray. R. C. Maynard

Miss Sarah Bynkin Samuel Mading

Calvin Bishop O

John H. Crutel, Gold P Mrs. M. E. O'Daniel

Hardin Couch Thomas Pratt

F. M. C. Wright

Thomas Cate (B) John R. Cole

Rufin Check or Napk Chepk

D Matthew Durham Robert Davis

F Dilsey Freeland Mrs. Nancy Freeland

Thomas Flint Wm. A. Fox

G Thomas Griffin Thomas Griffin Ben

H Red or Redmen Hester William Holloway

Charles Hardenburgh Peter Hicks

William Humphrey Wilson R. Hall

Temperance Hatt George Holly

Archibald H. Jones

12 Persons calling letters will please see them

THOMAS CLANCY, P. M.

October 1. 41—

John H. Roulhing Robert Rhodes

James Kinney John Ray (of Joseph)

Mrs. Jane Ray

A M. Suwinski Henry Stafford

Sam'l Stubbins John Sloan

Bryant Strayhorn M. H. Shuman

Martin Stephens I. H. Spencer

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